

REMARKS

Claims 1-3, and 5 are rejected under 35 U.S.C. 112, first paragraph, because the specification is asserted not to be enabling for the groups X_1 , Y_1 and Y_2 being either sulfur or nitrogen instead of the admittedly enabled oxygen. This ground of rejection is respectfully traversed for the reasons stated in the last Amendment. There is no requirement that matters known to those of ordinary skill in the art be set out in the application. From the foregoing response, it is abundantly clear that those of ordinary skill in the art could have made all of the compounds of claim 1 using only the original specification without undue experimentation. The articles discussed in the last response were cited to provide clear evidence the state of ordinary skill. The remarks of the Examiner in the outstanding Office Action do not refute this evidence showing the level of ordinary skill in the art to which the invention pertains. Applicant is of the opinion that the disclosure of a method of synthesizing the compounds of claim 1 wherein X and Y groups are oxygen is enabling for compounds wherein either nitrogen or sulfur are substituted for oxygen at one or all of the X and Y groups. Reconsideration and withdrawal of this rejection is respectfully requested.

The claims have been amended to more particularly point out and distinctly claim the invention, that is a method for the effective in the treatment of infections caused by herpesvirinae, including specifically HSV-1 and HSV-2 (see new claim 7), by the claimed group of compounds.

Claims 4 and 5 have been amended according to the suggestions of the Examiner.

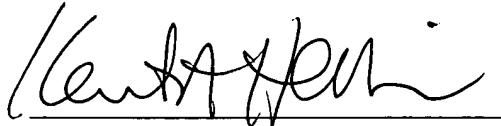
Accordingly, the purpose of the claimed invention is not taught nor suggested by the cited references, nor is there any suggestion or teaching which would lead one skilled in the relevant art to combine the references in a manner which would meet the purpose of the claimed invention. Because the cited references, whether considered alone, or in combination with one another, do not teach nor suggest the purpose of the claimed invention, Applicant respectfully submits that the claimed invention, as amended, patentably distinguishes over the prior art, including the art cited merely of record.

Based on the foregoing, Applicant respectfully submits that its claims 1-7 are in condition for allowance at this time, patentably distinguishing over the cited prior art. Accordingly, reconsideration of the application and passage to allowance are respectfully solicited.

The Examiner is respectfully urged to call the undersigned attorney at (515) 288-2500 to discuss the claims in an effort to reach a mutual agreement with respect to claim limitations in the present application which will be effective to define the patentable subject matter if the present claims are not deemed to be adequate for this purpose.

Respectfully submitted,

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